

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:15-cr-00027-KDB-DCK-1**

UNITED STATES OF AMERICA,

v.

DONALD RAY NEWTON,

Defendant.

ORDER

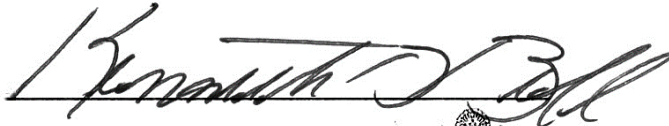
THIS MATTER is before the Court on Defendant’s motion docketed as “Pro Se Motion for Clarification of Sentencing as Career Offender.” (Doc. No. 29). In his motion, Defendant requests the Court clarify that there was no gun enhancement in his Presentence Investigation Report so that he may receive a sentence reduction for the completion of the Residential Drug Abuse Program.

Defendant pleaded guilty to one count of conspiracy to distribute and possess with the intent to distribute methamphetamine and one count of conspiracy to commit money laundering. The Presentence Investigation Report includes a two-level increase for possessing a dangerous weapon (including a firearm) during and in relation to the drug trafficking offense. This enhancement was based off of a witness’s statement that Defendant possessed firearms during and in relation to, and in furtherance of, the drug trafficking conspiracy. (Doc. No. 20 ¶¶ 9, 19). While defense counsel initially objected to the firearm enhancement, defense counsel withdrew all objections. (Doc. No. 26, at 4). The Court then adopted the Presentence Investigation Report “without change,” including the gun enhancement. (Doc. No. 26, at 1). Thus, the Presentence

Investigation Report as adopted by the Court at sentencing supports Defendant's gun enhancement and the Court is in no place to revisit that decision.

IT IS THEREFORE ORDERED that Defendant's "Pro Se Motion for Clarification of Sentencing as Career Offender," (Doc. No. 29), is **DENIED**.

Signed: July 20, 2021

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

